

SENATE BILL 1892

By Hensley

AN ACT to amend Tennessee Code Annotated, Title 47,  
Chapter 25, Part 1, relative to trade practices.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 47-25-101, is amended by deleting the language "or in the manufacture or sale of articles of domestic growth or of domestic raw material" and substituting instead "in the manufacture or sale of articles of domestic growth or of domestic raw material, or in the provision of services held out as generally available to the public" and by deleting the language "or article" and substituting instead ", article, or service held out as generally available to the public".

SECTION 2. Tennessee Code Annotated, Section 47-25-106, is amended by deleting the language "or articles" and substituting instead the language ", articles, or services held out as generally available to the public".

SECTION 3. Tennessee Code Annotated, Section 47-25-112, is amended by deleting the section and substituting instead the following:

(a) As used in this section, "news organization" means a person, firm, or corporation, or any association or combination of corporations, firms, or persons, engaged in the business of buying, gathering, or accumulating information or news, or vending, supplying, distributing, or publishing information or news.

(b) It is unlawful for a news organization to refuse to vend, supply, distribute, or publish information or news to a person, firm, or corporation, conducting a newspaper or a news distribution product or service held out as generally available for purchase by the public in this state, offering to pay for the information or news, or to discriminate between

persons, firms, or corporations conducting newspapers or news distribution products or services held out as generally available for purchase by the public in this state in the vending, supplying, distributing, or publishing of information or news.

(c) It is unlawful for an agent or employee in this state of a news organization to assist in the carrying on or conducting of such business when the person, firm, or corporation, or association of such persons, firms, or corporations, have refused:

(1) To furnish news or information without discrimination in price, method of supply, or otherwise to a person, firm, or corporation conducting a newspaper or a news distribution product or service held out as generally available for purchase by the public in this state and desiring to be supplied with such information or news; or

(2) To provide access for publication or dissemination as generally provided all other businesses, firms, and persons without discrimination in price, method of supply, or otherwise to a political candidate qualified to run for office in this state.

(d) Subsections (b) and (c) do not apply:

(1) To portions of newspapers or news distribution products or services clearly identified as works of art, clearly identified as solely editorials, opinions, letters to the editor, commentary, or guest column commentary;

(2) To newspapers or news distribution products or services clearly identified as solely dedicated to a legally constituted political party or legally established political advocacy organization or public assembly of citizens engaged in petitioning government for redress;

(3) To newspapers, newsletters, or news distribution products or services clearly identified as restricted in general distribution to limited membership organizations;

(4) To newspapers, newsletters, or news distribution products or services reasonably edited only for obscenity as defined in § 39-17-901, credible threats of violence, or limitations for libel or defamation and held out as generally available free of charge to the public and distributed without discrimination; or

(5) To newspapers, newsletters, or news distribution products or services clearly discernable by a reasonable person as satire, fiction, or a work of art.

(e) A political candidate qualified to run for office in this state has a civil cause of action against a person, firm, or corporation that violates subdivision (c)(2) and may receive as damages the full consideration or sum paid by the political candidate.

(f) A person, firm, or corporation violating this section, or aiding or abetting in the violation of this section, commits a Class C misdemeanor. Each violation constitutes a separate offense.

SECTION 4. If any provision of this act or its application to any person or circumstance is held invalid, then the invalidity does not affect other provisions or applications of the act that can be given effect without the invalid provision or application, and to that end, the provisions of this act are severable.

SECTION 5. This act takes effect July 1, 2022, the public welfare requiring it, and applies only to conduct occurring on or after the effective date of this act.